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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/738,474	12/17/2003	Yi Yen Lin	10113521	8215

34283 7590 02/27/2007  
QUINTERO LAW OFFICE, PC  
2210 MAIN STREET, SUITE 200  
SANTA MONICA, CA 90405

EXAMINER
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NGUYEN, LEE

ART UNIT	PAPER NUMBER
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2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/27/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/738,474	LIN, YI YEN	
	<b>Examiner</b>	<b>Art Unit</b>	
	LEE NGUYEN	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-11, 13 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3 and 5-11 is/are allowed.
- 6) ☒ Claim(s) 13 and 15-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Taiwan on 12/27/2002. It is noted, however, that applicant has not filed a certified copy of the Taiwan application as required by 35 U.S.C. 119(b).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13, and 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kobayashi et al. (US 5,722,055).

Regarding claim 13, Kobayashi teaches a mobile phone (figs. 1, 6, 10) comprising: a housing including a front case 25 (fig. 1); a printed circuit board 41, disposed in the housing, including a notch 41-1-3 (fig. 6) and a circuit (col. 6, lines 39-41); and a microphone 41-11, 21 (fig. 6) including a pad 41-11-1 (fig. 10) fitted into the notch 41-1-3 (fig. 6) of the printed circuit board 41 in a manner such that the microphone 41-11, 21 faces the front case 25 (fig. 1), the pad 41-11-1 (fig. 10) is electrically connected to the circuit board 41 (fig. 6) and is abutted by a surface, facing the front case 25 (fig. 1) of the printed circuit board 41 (fig. 6).

Regarding claim 15, Kobayashi inherently teaches that the front case 25 (fig. 1) includes a microphone hole corresponding to the microphone 21 so that the user can speak to the microphone 21.

Regarding claim 16, Kobayashi also teaches that the housing further includes a rear case 23 combined with the front case 25, and the printed circuit board 41, the microphone 21, and the connector 41-11 are surrounded by the front case 25 and the rear case 23 (figs. 1, 6).

Regarding claim 17, Kobayashi teaches a mobile phone 41-11, 21 (figs. 1, 6, 10) comprising: a housing including a front case 25 (fig. 1); a printed circuit board 41 (fig. 6), disposed in the housing; a connector 41-11-1 (fig. 10) fitted into the printed circuit board 41 (fig. 6); and a microphone 41-11, 21 disposed in the connector 41-11-1 (fig. 10) in a manner such that the microphone faces the front case 25 (figs. 1, 6), wherein the microphone 41-11, 21 is abutted by the front case 25 (figs. 1, 6).

Regarding claim 18, Kobayashi also teaches that the printed circuit board 41 includes a notch 41-1-3 (fig. 6) for the connector 41-11-1 to be fitted therein (figs. 6, 10).

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Regarding claim 19, Kobayashi also teaches that the connector 41-11-1 includes a pad 41-11-1 abutted by a surface, facing the front case 25, of the printed circuit board 41 (figs. 1, 6, 10), and the printed circuit board 41 inherently includes a circuit electrically connected to the pad 41-11-1 so that the audio received by the microphone 21 can be conveyed to the printed circuit board 41 (figs. 1, 6, 10).

Regarding claim 20, Kobayashi also teaches that the pad 41-11-1 is located near an end, facing the front case 25, of the connector 41-11-1 (fig. 6).

#### ***Allowable Subject Matter***

Claims 1-3, 5-11 were allowed.

#### ***Response to Arguments***

Applicant's arguments filed 12/11/2006 have been fully considered but they are not persuasive.

Regarding the rejection of independent claim 17, Applicant contends that Kobayashi's microphone unit 21 and front case assembly 25 as the alleged "microphone" and "front case" of claim 17. However, as shown in the figures, the microphone unit 21 is received into the interior of the microphone bushing 41-11 and the microphone bushing 41-11 is

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abutted by the front case assembly 25. Thus, contrary to the invention recited in claim 17, the microphone unit 21 is not abutted by the front case assembly 25.

In response, the examiner respectfully disagrees. As shown in the above rejection, the claimed microphone reads on the microphone unit 41-11, 21 of Kobayashi. The microphone 41-11, 21 is abutted by the front case 25 (figs. 1, 6, 10).

Regarding the rejection of independent claim 13, Applicant further argues that the microphone unit 21 of Kobayashi does not include a pad.

As shown above in figure 10 of Kobayashi, the microphone 41-11, 21 includes a pad 41-11-1.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE NGUYEN whose telephone number is 571-272-7854. The examiner can normally be reached on FIRST FRIDAY OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANDERSON D. MATTHEW can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
LEE NGUYEN  
PRIMARY EXAMINER